

1 I, Marcel B. Matley, swear and affirm:

2 1. Shawn Matloob, Attorney at Law, asked that I forward
3 to him material related to the issue of President Bush's
4 National Guard service as covered by CBS 60-Minutes,
5 Wednesday Edition, specifically regarding my examination of
6 the Colonel Killian documents. He requested a sampling of
7 the evidence that, as I testified in court on Thursday,
8 April 21, 2006, showed that my opinions in the matter had
9 been correct. I am hereby complying with Mr. Matloob's
10 request.

11 2. Attached hereto as **Exhibit A** of three pages are the
12 summary notes of my original findings with later
13 clarification given in square brackets, []. As I testified
14 in court, if requested to I would make available other
15 materials I generated regarding the Killian documents.

16 3. There were two main assertions made immediately
17 after the broadcast in support of the thesis that the
18 Colonel Killian documents were forgeries, and these
19 assertions have been repeated even to this day. These
20 assertions were false and unfounded when first made and have
21 enjoyed no improvement since. I will limit myself to two
22 major falsehoods as examples of the raft of falsehoods
23 propagated by both partisans and uninformed individuals.

24 4. First, it was asserted that proportional spacing
25 typewriters were not available by the early 1970s when the
26 Killian documents were dated. Ordway Hilton was the most
27 prolific and maybe the most authoritative author in American
28 document examination in the mid and later Twentieth Century.

1 **Exhibit B** of two pages is a section from his major text
2 where he describes the first proportional typewriters to be
3 developed and marketed in the late 1940s and early 1950s.

4 5. Second, it was asserted that the type font on the
5 Killian documents was Times New Roman. It most definitely
6 was not. Even the poor quality copies first available
7 publicly clearly showed design differences. **Exhibit C** of
8 two pages shows on page one enlarged words from the Memo
9 dated 02 February, 1972, to Harris from Killian. Page two
10 of **Exhibit C** shows enlarged alphabets in Times New Roman.
11 The easiest differences in design to note are these:

12 (a) There are dimples in the tops and bases of capital
13 letters on page one, such as capital letter "B," while on
14 page two all capital letters are without such dimples.

15 (b) Lower case "y" has no serif on its right arm on
16 page one, but has a serif on its right arm on page two.

17 (c) Lower case "r" on page one has the top right
18 extension of the letter in alignment with the left serif.
19 While on page two from Times New Roman the top right
20 extension branches from the staff of the letter.

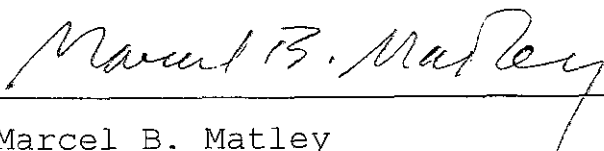
21 6. As I testified, later and better copies of the
22 documents in question became available after the news media
23 and public lost interest in the truth of the matter and
24 blindly settled into a belief that the documents were
25 forgeries because of features such as discussed above.
26 These finer copies confirmed that the font of the Killian
27 documents definitely was not Times New Roman and that the
28 other assertions why the documents were forgeries are all

1 equally without merit. However, it would require a 100-page
2 monograph to discuss and illustrate in detail why each false
3 assertion individually is nonsense and why the whole group
4 together is merely compounded nonsense.

5 7. To learn of the inside story and of the unreported
6 aftermath of the event, I recommend Mary Mapes's book, *Truth*
7 *and Duty*, published by St. Martin's Press in 2005.

8 8. As to the report of the Independent Panel, it is
9 replete with materially false statements. I wrote a six-
10 page memo to the Panel discussing the major material errors
11 they made in regard to my interview with them. They felt no
12 compunction about letting all materially false statements
13 stand. I spoke to several others who had been interviewed
14 by the Panel. Each one said that to some degree one's
15 statements were also subject to materially false report by
16 the Panel.

17 9. I, Marcel B. Matley, swear and affirm under penalty
18 of perjury under the applicable laws of United States of
19 America that the foregoing is true and correct to the best
20 of my knowledge and belief. This affirmation was executed
21 on this Twenty-first Day of April, 2006, at San Francisco,
22 California.

23
24 
25 _____
26 Marcel B. Matley

MARCEL B. MATLEY
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DATE. September 10, 2004

TO. Yvonne Miller

AT. 212-975-1998

FROM. Marcel B. Matley

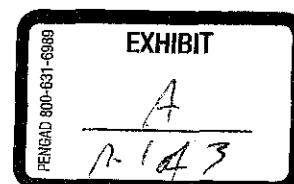
RE. Killian Signatures

PER. Your request

TOTAL PAGES. Cover page plus two (2) page.

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The message begins on the next page.



Dear Yvonne:

Here is an exact reproduction of the handwritten notes I showed the staff at 60 Minutes Wednesday. Square brackets, [], indicate added clarifications.

1. Poor copies:

→ could not authenticate documents themselves

Therefore, assume reliable copies of authentic documents.

2. Re signatures: Limited amount documents.

Therefore, define questions: What is preponderance of available and reliable handwriting evidence?

Therefore, did one or more persons write the seven signatures?

3. One "signature" is initials, so technically cannot address.

4. 4 signatures: All reliable indicators are one writer. No contrary indicators.

5. "New" signature. [Meaning one shown when I first got to your office.] Only capital "J" differs.

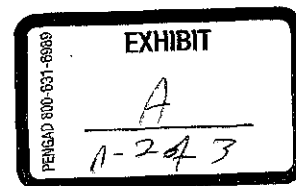
Not significant feature. Therefore, preponderance of available handwriting evidence is one writer of 5 signatures.

6. 06/24/03 letter:

→ Conspicuous differences.

→ Inconspicuous similarities.

Therefore, need reasonable explanation to identify.



7. Hypothesis: Stress: undue influence, pressure or some such.

→ If so - reasonably explains differences.

→ Content of documents supports hypothesis. [Re situation of pressure to accommodate individual failing to fulfill military obligations.]

8. Presumption of inference: Party who could produce or make available best evidence and does not, realizes it would be against [such party].

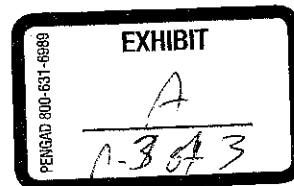
END OF NOTES WRITTEN AT 60 MINUTES OFFICES.

Subsequent to writing out the above notes, I was shown several more documents. The signatures on them were consistent with observations and conclusions made previously.

One signature fit the hypothesis of stress as did that on 06/24/03 letter, since it had conspicuous differences and inconspicuous similarities. Contents of the documents supported hypothesis of stress at the same period of time. Further, the two signatures fitting hypothesis of stress were on documents addressing the pressure to accommodate. All the other signatures, excluding the initials which were not addressed, were on documents addressing routine matters.

We discussed issue that we deal in probabilities. That was covered in item 2 above: "What is preponderance of available and reliable handwriting evidence?" And also in last item 8 regarding any party withholding evidence or not making it available, where we recognize full revelation of all pertinent evidence could alter our opinion. If one who has key to more evidence attacks our opinion but does not offer the key, it can reasonably be presumed that the attacker knows the withheld evidence is against the attacker.

Marcel B. Matley



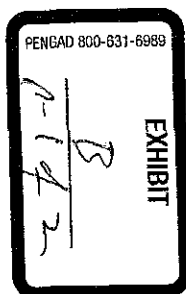
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The manual machine, which was the original development in the typewriter, consists of a series of mechanical linkages from the type key to the actual typebar, which throws a typeface against the ribbon and paper. The modern machine contains two typefaces on each typebar, a capital and a lowercase letter or a numeral and another character, as indicated on the keyboard. Thus, there is some relationship in certain types of defects between the two characters on a single typebar. The change from capital to lowercase letter is accomplished by the action of a shift key, which either moves the basket or segment of type up and down or moves the carriage unit up and down to position the upper or lower section of the typeblock for printing.

The electric typewriter using the typebar action operates in much the same way except that the actual typebar movement is activated by means of an electrically driven power roller or other motor-driven device rather than directly by the stroke of the key and the force imparted by the typist. Electric machine work may be somewhat more uniform than manual typewriting unless in poor repair, but with a highly experienced typist using a manual machine, it may be difficult to distinguish the work of the manual machine from that of an electric typewriter.

The portable typewriter is another subclass of the typebar machine. The engineering of these machines is different from that of the standard office models, but, except that the construction is lighter, since machine weight should be low, the action is similar. Both manual and electric portables have been developed. In many instances, especially with the low-price models, which are not as well built as the more expensive models and may not contain several of the operating features of the more expensive models, work of the portable typewriter may be much more erratic. Variation especially depends in large measure on how sturdy and refined the manufacturing features of the machine are. Low-cost portable typewriters are engineered without some features that assure more uniformly productive work, and the machine cannot have the frame strength that is found in the heavier portable models of office machine. Consequently, alignment variations from one type of a character to another may be much greater. Other defects also may be more extensive.

In recent years, several companies have developed an intermediate model electric typewriter. These compact machines are not intended to be portable, but are designed for office and home use where the volume of typewriting is moderate. In size and weight they fall between the large of deluxe portables and the standard office machine. Here again, while they are well engineered, they will deteriorate somewhat more rapidly than the top-line, well-built office machines, especially

after extensive use. However, examiners would be hard pressed in many instances to recognize the work of these machines as opposed to standard electric office models.

With all typebar machines, one can expect to find slight alignment defects and some other defects early in the history of the machines.

Proportional Spacing Typewriting

In the 1940s and early 1950s, IBM developed and successfully marketed the first proportional spacing typewriter, which was known as the Executive. The distinctive characteristic of this machine is that each letter on the machine no longer occupies the same horizontal space, which had been typical of all typewriters previously developed. Instead, letters are built on a basic escapement unit of $\frac{1}{32}$ or $\frac{1}{36}$ in. depending upon the font. Individual letters occupy 2, 3, 4, or 5 units, that is, letters are not necessarily the same in width. Thus, the type fonts resemble printing. Depending on the particular font, letters such as i, e, f, j, and t would usually occupy two units of space, a great bulk of the lowercase letters such as a, o, e, n, h, and k occupy three units and w and m occupy four or five units. Capital letters for the most part are wider than their corresponding lowercase letters. However, no letter occupies more than five units and none less than two.⁴ The machine uses a typebar action.

During the 1950s, other companies manufactured competitive machines in this country. Remington Rand followed IBM in proportional spacing typewriting using both the $\frac{1}{32}$ and $\frac{1}{36}$ in. escapement. Underwood introduced a differential spacing machine, a different concept, which used a basic escapement of $\frac{1}{10}$ in. with provision for narrow letters to occupy only $\frac{1}{2}$ unit and wide letters $1\frac{1}{2}$ units. All these machines were electric typewriters.

For a short period of time, the Italian firm Olivetti produced a manual proportional spacing machine with highly distinctive type design, but in more recent years this has been superseded by their electric proportional spacing machine using the standard $\frac{1}{32}$ and $\frac{1}{36}$ in. escapement.

Two other European companies, Olympia and Hermes, entered the proportional spacing field in more recent years, but the latter ended production in 1974. While proportional spacing typewriting was extremely popular, especially for executive correspondence in the Amer-

⁴O. Hilton, "Problems in the Identification of Proportional Spacing Typewriting," *Journal of Forensic Sciences* 3 (1958): 263-287.

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EXHIBIT

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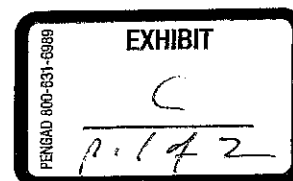
B. KILLIAN

SUBJECT: F

February 1972

flight certificate

ath and Bush.



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Times New Roman, 72 points.

